

Remarks

Claims 1 to 40 were pending, claims 13 to 18 and 36 to 40 having been withdrawn from consideration. Claims 1, 5, 6, 19 to 24, and 31 have been amended herein. Applicants maintain that no new matter has been added by these amendments and therefore respectfully request that the Examiner enter the amendments presented. Amended claims 1 to 40 are now pending in this application.

The Examiner requested that applicants affirm the election without traverse of Group I, claims 1 to 12 and 19 to 35.

In response, applicants affirm the election without traverse of Group I, claims 1 to 12 and 19 to 35.

The Examiner rejected claims 19 to 30 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention.

In response, applicants have amended claims 19 to 24 to delete “may” and respectfully traverse the Examiner’s rejection as applied to claims 25 to 30. Claims 25 to 30 do not contain the word “may” nor are they dependent on claims 19 to 24; accordingly such rejection is improper. Applicants maintain that these amendments and remarks overcome the Examiner’s rejection and respectfully request that the Examiner reconsider and withdraw this rejection.

The Examiner rejected claims 1 to 12 and 19 to 30 under 35 U.S.C. § 102(b) as allegedly anticipated by Banholzer *et al.* (WO 92/16528). The Examiner also rejected claims 31 to 35 under 35 U.S.C. § 102(b) as allegedly anticipated by Emran *et al.* The Examiner further rejected claims 31 to 33 under 35 U.S.C. § 102(b) as allegedly anticipated by Zakharova *et al.*

In response, applicants have amended the claims and maintain that such amendments render the Examiner's anticipation rejections moot. Accordingly, applicants respectfully request that the Examiner reconsider and withdraw these rejections.

The Examiner also rejected claims 1 to 12 and 19 to 35 by imposing a provisional nonstatutory double patenting rejection over claims 1 to 11 of U.S. application Serial No. 09/976,950 in view of Banholzer (WO 92/16528).

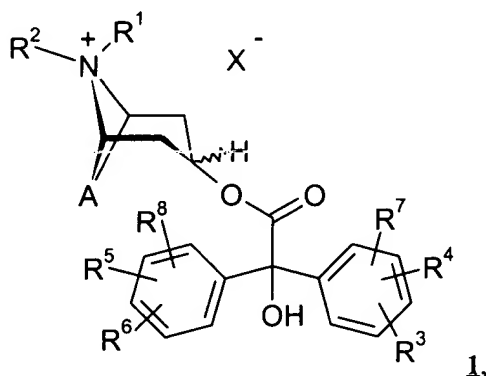
In response, applicants undertake to file a terminal disclaimer over U.S. application Serial No. 09/976,950 if the provisional nonstatutory double patenting rejection is maintained after the claims are allowed and if U.S. application Serial No. 09/976,950 is still pending at the time this application is allowed.

Applicants maintain that the remarks and amendments overcome all of the Examiner's rejections as to all the pending claims. Applicants therefore submit that all the pending claims are allowable and respectfully solicit a Notice of Allowance for all of the pending claims. If the Examiner feels that a telephone interview would be helpful in advancing prosecution of this application, the Examiner is invited to contact the attorney below.

Version of the Specification with Markings to Show Changes Made by this Amendment

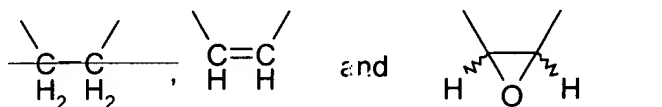
In accordance with 37 C.F.R. § 1.121(c)(1)(ii), the following marked up version of the claims amended herein is provided to show all of the changes relative to the previous version of the claims before the amendments herein.

--1. (Amended) A compound of formula 1



wherein:

A is a group selected from



X⁻ is an anion with a single negative charge;

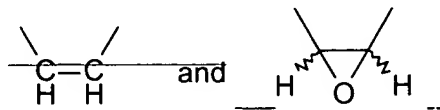
R¹ and R² are each independently a C₁-C₄-alkyl optionally substituted with hydroxy or halogen;
and

R³, R⁴, R⁵, R⁶, R⁷, and R⁸ are each independently hydrogen, C₁-C₄-alkyl, C₁-C₄-alkyloxy, hydroxy, CF₃, CN, NO₂, or halogen,

with the proviso that at least one of the groups R³, R⁴, R⁵, R⁶, R⁷, and R⁸ is not hydrogen.--

--5. (Amended) The compound of formula 1 according to claim 4, wherein:

A is a group selected from



--6. (Amended) The compound of formula 1 according to claim 5, wherein:

R¹ and R² are each methyl; and

R³, R⁴, R⁵, R⁶, R⁷, and R⁸ are each independently hydrogen or fluorine.--

--19. (Amended) A method of treating diseases in which anticholinergics ~~may~~ provide a therapeutic benefit, comprising administering to a host in need of such treatment a compound of formula 1 according to claim 1.--

--20. (Amended) A method of treating diseases in which anticholinergics ~~may~~ provide a therapeutic benefit, comprising administering to a host in need of such treatment a compound of formula 1 according to claim 2.--

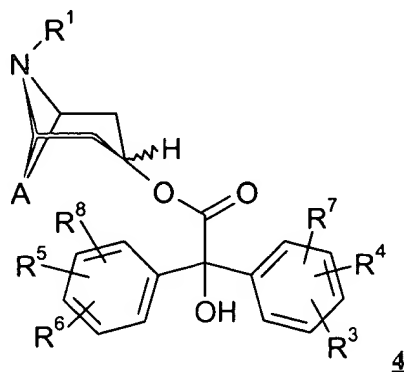
--21. (Amended) A method of treating diseases in which anticholinergics ~~may~~ provide a therapeutic benefit, comprising administering to a host in need of such treatment a compound of formula 1 according to claim 3.--

--22. (Amended) A method of treating diseases in which anticholinergics ~~may~~ provide a therapeutic benefit, comprising administering to a host in need of such treatment a compound of formula 1 according to claim 4.--

--23. (Amended) A method of treating diseases in which anticholinergics ~~may~~ provide a therapeutic benefit, comprising administering to a host in need of such treatment a compound of formula 1 according to claim 5.--

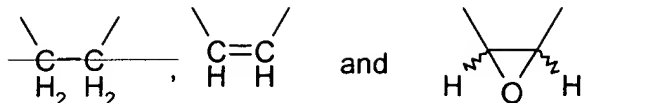
--24. (Amended) A method of treating diseases in which anticholinergics ~~may~~ provide a therapeutic benefit, comprising administering to a host in need of such treatment a compound of formula 1 according to claim 6.--

--31. (Amended) A compound of formula 4



wherein:

A is a group selected from



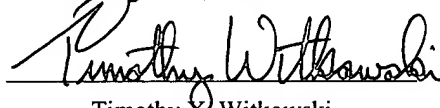
R¹ is a C₁-C₄-alkyl optionally substituted with hydroxy or halogen; and

R³, R⁴, R⁵, R⁶, R⁷, and R⁸ are each independently hydrogen, C₁-C₄-alkyl, C₁-C₄-alkyloxy, hydroxy, CF₃, CN, NO₂, or halogen,

with the proviso that at least one of the groups R³, R⁴, R⁵, R⁶, R⁷, and R⁸ is not hydrogen.--

Certificate of Mailing Under 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on August 20, 2002.

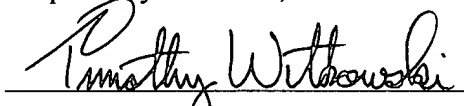
A handwritten signature of Timothy X. Witkowski in black ink.

Timothy X. Witkowski
Registration No. 40,232

8-20-2002

Dated

Respectfully submitted,

A handwritten signature of Timothy X. Witkowski in black ink.

Timothy X. Witkowski
Registration No. 40,232
Attorney for Applicants

BOEHRINGER INGELHEIM CORPORATION
Patent Department
900 Ridgebury Road/P.O. Box 368
Ridgefield, CT 06877
Telephone: (203) 798-4310
Facsimile: (203) 798-4408